

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:15-MJ-1066-RJ-1

UNITED STATES OF AMERICA

v.

BENITO NINO MELENDEZ,

Defendant.

ORDER ON PROBABLE CAUSE
AND DETENTION

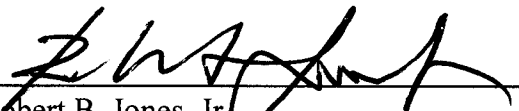
This matter came before the court for a hearing on probable cause regarding charges against Defendant contained in a criminal complaint and for a hearing on the government's motion, pursuant to 18 U.S.C. § 3142, to detain Defendant pending further proceedings. Defendant is charged with reentering the United States after being deported subsequent to an aggravated felony conviction in violation of 8 U.S.C. §§ 1326(a) and (b)(2). [DE-1].

At the commencement of the consolidated hearings, Defendant stated to the court his intention to waive the preliminary examination and detention hearing in this matter. Defendant and his counsel executed the requisite paperwork memorializing Defendant's desire to waive the preliminary examination and detention hearing in this case. After conducting an inquiry of Defendant and his counsel in open court, this court finds that Defendant has waived his right to a preliminary examination and detention hearing knowingly and voluntarily and the court accepts Defendant's waiver of his right to a preliminary examination and detention hearing. Based on Defendant's knowing and voluntary waiver, this court finds probable cause to hold Defendant over for the presentment of his case to the grand jury. Based on Defendant's waiver of his right to a detention hearing, there is no condition, or combination of conditions, that can be imposed which

would reasonably assure Defendant's appearance and/or the safety of another person or the community.

Defendant is therefore committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. Defendant shall be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States marshal for a court appearance.

SO ORDERED, the 5th day of May 2015.


Robert B. Jones, Jr.
United States Magistrate Judge